

Attorney Docket No.: FUJZ 19.185 (100794-00087)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Naoki OGUCHI et al.
Confirmation No.: 9665
Serial No.: 09/988,958
Filed: November 19, 2001
Title: VIRTUAL NETWORK CONSTRUCTION METHOD, SYSTEM,
Examiner: Andrew Chung Cheung Lee
Group Art Unit: 2419

January 26, 2010

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)

Sir:

In response to the revised Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) issued with the Issue Notification for the subject application, Applicants respectfully request that the revised patent term adjustment be reconsidered.

Any fee due with this paper, including those set forth in 37 CFR § 1.18(c), may be charged to Deposit Account 50-1290.

The Notice of Allowance for the subject application was issued on September 23, 2009 with a Patent Term Adjustment of 557 days. And the Issue Notification included a revised Patent Term Adjustment of 461 days. The revision, or 96 day reduction, was apparently due to an Information Disclosure Statement (“IDS”) Correction filed on November 6, 2009 by Applicants after a Notice of Allowance was issued on September 23, 2009. And the reduction was apparently based on the November 6, 2009 filing date of the IDS Correction up to the Issue Date noted on the Issue Notification: February 9, 2010—96 days between the two.

Applicants respectfully submit that the proper reduction should have been between the November 6, 2009 filing date of the IDS Correction and the Examiner’s consideration of the corrected IDS, which was mailed on December 16, 2009:

“(10) Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or

(ii) Four months;...”

- 37 CFR 1.704(c)(10)(i) & (ii) (Emphasis added)

The Examiner’s consideration of the corrected IDS, mailed on December 16, 2009, was a Office Communication, or a “notice,” “in response to” the “other paper after a notice of

allowance” submitted by Applicants. Thus, the number of days of reduction should have been 41 days—November 6, 2009 to December 16, 2009—instead of 96 days.

And accordingly, Applicants respectfully request that the Patent Term Adjustment be reinstated to 516 days.

Applicants respectfully request that this matter be resolved promptly, and that inquiries be directed to Applicants’ undersigned representative at the contact number listed below.

Respectfully submitted

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